

# FEDERAL REGISTER



VOLUME 7      1934      NUMBER 54

*Washington, Thursday, March 19, 1942*

## *The President*

### EXECUTIVE ORDER

#### WITHDRAWING PUBLIC LANDS IN AID OF LEGISLATION

##### CALIFORNIA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry, in aid of legislation:

##### SAN BERNARDINO MERIDIAN

T. 6 S., R. 22 E., sec. 31, NE $\frac{1}{4}$ , that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying north of the north line of State Highway Route No. 64; containing approximately 163.64 acres.

This order supersedes as to the above-described land the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 16, 1942.

[No. 9101]

[F. R. Doc. 42-2333; Filed, March 17, 1942; 2:49 p. m.]

### EXECUTIVE ORDER

#### TRANSFER OF JURISDICTION OVER CERTAIN LANDS CONTAINING OIL AND GAS DEPOSITS FROM THE WAR DEPARTMENT TO THE DEPARTMENT OF THE INTERIOR

##### Correction

The last paragraph of the description for Parcel VII in Executive Order No. 9087, appearing on page 1745 of the issue for Saturday, March 7, 1942, should read as follows:

The above description copied from FINAL ORDER OF CONDEMNATION dated December 19, 1912; Condemnation Suit No. 15,614, United States of America vs. Christian Larsen.

## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

#### CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

##### PART 14—RANGE REGULATIONS FOR FIRING AMMUNITION FOR TRAINING AND TARGET PRACTICE<sup>1</sup>

###### § 14.1 Safety precautions.

(b) *Water ranges.* (1) Prior to firing over water areas or planting or firing submarine mines in water areas which are used by shipping of any kind, the harbor defense, post, regimental, or similar commander of the firing unit will warn local naval officials and, subject to current instructions regarding secrecy, inform the public of the contemplated firings or submarine mine plantings through one or more of the following agencies: Public press, public radio, Coast Guard, or interested public officials. (R.S. 161; 5 U.S.C. 22) [Par. 4a, AR 750-10, February 14, 1942]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-2361; Filed, March 18, 1942; 11:32 a. m.]

### CHAPTER VII—PERSONNEL

#### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS<sup>2</sup>

##### OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941.

###### § 73.204 Age and citizenship requirements.

<sup>1</sup> Part designation and § 14.1 (b) (1) are amended.

<sup>2</sup> §§ 73.204 and 73.206 are amended, and § 73.211 is superseded.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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(c) The age-in-grade limitations specified in paragraph (b) of this section will not apply to the following:

(4) Appointments in the Chaplains Corps. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 6c (4), AR 605-10, Dec. 10, 1941]

§ 73.206 *Grades in which appointed.*

(b) Appointments in the following categories will be limited to the grades indicated in each:

(1) Appointments in the Medical Corps, Dental Corps, Veterinary Corps, Sanitary Corps, and the Chaplains' Corps, first lieutenant to colonel, both inclusive. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 8b (1), AR 605-10, Dec. 10, 1941]

§ 73.211 *Assignment.* (a) When an officer of the Army of the United States, other than a chaplain or an officer of the Medical Department, is ordered to active duty, the orders placing him on active duty will designate the arm or service to which he is assigned. Thereafter, he will be subject to the administrative jurisdiction and control governing Reserve officers commissioned in the arm or service to which he is assigned, and will be vested with the same right to exercise command as is vested in officers of the Army permanently commissioned in that arm or service.

(b) An officer of the Army of the United States ordered to active duty for assignment to a branch immaterial position not allotted to a particular arm or service will be assigned to the arm or service to which his duties will most clearly pertain.

(c) Persons appointed from civilian status, except for the Medical Department or for duty as a chaplain, will not be assigned to duty with units of the field forces unless they have completed not less than six months' active military service as a commissioned officer subsequent to initial appointment, and have satisfactorily completed an appropriate course of instruction at a special service school of the arm or service to which they are assigned. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 13, AR 605-10, Dec. 10, 1941]

[SEAL] J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-2332; Filed, March 17, 1942; 1:05 p. m.]

## TITLE 14—CIVIL AVIATION

### CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 40-10, Civil Air Regs.]

#### PART 40—AIR CARRIER OPERATING CERTIFICATION

##### REQUIREMENT FOR FULL FEATHERING PROPELLERS POSTPONED IN CERTAIN CASES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of March 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 13, 1942, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking the words "July 1, 1942," as they appear in § 40.2320 and inserting in lieu thereof the words "January 1, 1943,".
2. By striking the words "July 1, 1942," as they appear in § 40.2330 and inserting in lieu thereof the words "January 1, 1943,".
3. By striking the words "July 1, 1942," as they appear in § 40.2500 and inserting in lieu thereof the words "January 1, 1943,".
4. By striking the words "July 1, 1942," they appear in § 40.3320 and inserting in lieu thereof the words "January 1, 1943,".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-2347; Filed, March 18, 1942; 9:47 a. m.]

## TITLE 30—MINERAL RESOURCES

### CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1226]

#### PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter on January 13, 1942, 7 F.R. 537, establishing price classifications and minimum prices for the coals of certain mines in District No. 1, including the establishment of price classifications and minimum prices for the coals of the Leland No. 1 Mine (Mine Index No. 272) of John D. Walker, a code member in District No. 1, for all shipments except truck and for truck shipments.

The original petitioner in the above-entitled matter filed an amendment to its petition alleging that the price classifications and minimum prices which it originally proposed for the Leland No. 1 Mine, Mine Index No. 272, were in error, and requesting that the Classification for the coals of this mine in Size Group 5 for all shipments except truck be changed from "B" to "C" and that the minimum price for such coals in Size Group 5 for truck shipments be changed from \$2.20 to \$2.15 per ton.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no pleadings in opposition to the said amendment to the original petition have been filed with the Division in the above-entitled matter, and that the following action is necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That Supplements R and T in the said Order Granting Temporary Relief and Conditionally Providing for Final Relief dated January 13, 1942, in the above-entitled matter be, and they hereby are, amended, by revoking the price classification and minimum price established therein for the coals of the Leland No. 1 Mine (Mine Index No. 272) in Size Group 5 for all shipments except truck and for truck shipments;

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

It is further ordered, That in all other respects the said order of January 13, 1942, be, and it hereby is, continued in full force and effect until otherwise ordered.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

# TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

### § 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Steam	Shipping point	Railroad	Freight origin group Nos.	1	2	3	4	5
272	Walker, John D.....	Leland #1.....	19	D	Beccaria, Pa.	PRR....	45	(f)	(f)	(*)	(*)	0

\*Indicates coal in this size group previously classified and priced.

†Indicates no classification effective for this size group.

## FOR TRUCK SHIPMENTS

### § 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Steam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under shock	3/4" and under shock
Walker, John D.....	272	Leland #1.....	19	Clearfield.....	D	1	2	3	4	5
								(*)	(*)	215

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-2323; Filed, March 17, 1942; 10:50 a. m.]

[Docket No. A-1036]

## PART 323—MINIMUM PRICE SCHEDULE, DISTRICT No. 3

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR PERMISSION TO USE ADDITIONAL LOADING POINTS FOR RAIL SHIPMENTS FROM CERTAIN MINES IN DISTRICT NO. 3

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The original petition dated August 29, 1941, sought additional loading points for a number of mines in District No. 3. By a Motion to Delete filed on October 3, 1941, the District Board withdrew its re-

quest for additional loading points for all the mines except the Coombs Mine, Mine Index No. 614, of Guy A. Hall (Hall Coal Company).

District Boards 2 and 6 intervened but did not appear at the hearing.

Pursuant to appropriate orders, a hearing was held in this matter on October 21, 1941, before William H. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 3 and Guy A. Hall (Hall Coal Company) appeared through A. J. Kidwell, his sales agent. At the hearing District Board 3 made a motion to dismiss the petition. However, a representative on behalf of Guy A. Hall (Hall Coal Com-

pany) was present and objected, stating that he, on behalf of Hall Coal Company, desired to be heard. District Board 3 stated that it had no objection so long as it was understood that the case was not being presented by the District Board, and thereupon withdrew its objection and withdrew its Motion to Dismiss.

At the conclusion of the hearing all parties waived the preparation and filing of a report by the Examiner and the record in the proceeding was thereupon submitted to the undersigned who has considered the record herein.

Guy A. Hall (Hall Coal Company), a code member, operates the Coombs Mine, Mine Index No. 614. The mine has loading facilities on the Monongahela Railroad at Morgantown, West Virginia,

about four and one-half miles distant from the mine.<sup>1</sup> It seeks a loading point on the Baltimore & Ohio Railroad, which is across the Monongahela River from the mine. Guy A. Hall (Hall Coal Company) introduced the testimony of but one witness, A. J. Kidwell, Secretary of the Blain Coal Company, sales agent for Guy A. Hall (Hall Coal Company), who testified in support of the requested relief.

In support of the relief, it was testified that the requested loading point on the Baltimore & Ohio is no farther from the Coombs Mine than is its present loading point on the Monongahela Railroad from the mine. No claim was made that the

<sup>1</sup> Some of the coal produced at the Coombs Mine is sold for shipment by truck.

DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.6 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
614	Hall, Guy A. (Hall Coal Co.)	Coombs	Pittsburgh	Morgantown, W. Va.	B&O-Monon	53	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F

[F. R. Doc. 42-2322; Filed, March 17, 1942; 10:49 a. m.]

[Dockets Nos. A-1924 and A-1327]

PART 323—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3, AND IN THE MATTER OF THE

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classification

additional loading point was necessary in order to insure continued operation of the Coombs Mine. It was frankly admitted that the additional loading point was sought in order to open up new markets for Guy A. Hall (Hall Coal Company). The witness was unable to state what consumers he believed could be reached if coal were loaded for shipment on the Baltimore & Ohio except to indicate that certain consumers could be reached which are not reached by the Monongahela, and that in the event some commercial traffic was shipped over the Baltimore & Ohio, the mine would be in a position to get railroad fuel business from the Baltimore & Ohio. Under these circumstances, the undersigned is of the opinion that it is proper to assign to the

Coombs Mine of Guy A. Hall (Hall Coal Company) an additional loading point which will be on the Baltimore & Ohio Railroad at Morgantown, West Virginia. (Shipments from this loading point will be governed by the applicable rates assigned to Freight Origin Group No. 53.)  
Now, therefore, it is ordered, That effective, therefore, (15) days from the date hereof § 323.6 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck be, and it hereby is, amended in accordance with Supplement R attached hereto and made a part hereof.  
Dated: March 7, 1942.  
[SEAL] DAN H. WHEELER,  
Acting Director.

cations and minimum prices for the coals of certain mines in District No. 3; and It appearing that the above-entitled matters raise similar and related issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;  
It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by add-

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.  
Dated: March 7, 1942.  
[SEAL] DAN H. WHEELER,  
Acting Director.

vary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

(General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.  
It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the tempo-

ing thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Code member	Mine name	Steam	Shipping point	Railroad	Freight origin group No.	Size group Nos.									
						1	2	3	4	5	6	7	8	9	10
385 Consolidation Coal Company.....	Consol #22-A (Strip).....	Pittsburgh.....	Monongah, W. Va.....	D&O.....	01	F	F	F	F	F	F	F	F	F	F
386 Consolidation Coal Company.....	Consol #31-A (Strip).....	Pittsburgh.....	Kilbuck, W. Va.....	D&O.....	01	F	F	F	F	F	F	F	F	F	F
387 Consolidation Coal Company.....	Consol #33-A (Strip).....	Pittsburgh.....	Josephine, W. Va.....	WM.....	05	F	F	F	F	F	F	F	F	F	F
388 Consolidation Coal Company.....	Consol #30-A (Strip).....	Pittsburgh.....	Josephine, W. Va.....	WM.....	05	F	F	F	F	F	F	F	F	F	F
389 Denison, O. O.....	Denison #2.....	Pittsburgh.....	Clarksburg, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
390 Dippel Brothers (F. H. Dippel).....	Haynes #2 (Strip).....	Bakersburg.....	Bretz, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
391 Grafton Coal Company.....	Ridge #1 (Strip).....	Pittsburgh.....	Webster, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
392 Grafton Coal Company.....	Ridge #2 (Strip).....	Pittsburgh.....	Webster, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
393 Grafton Coal Company.....	Ridge #3 (Strip).....	Pittsburgh.....	Webster, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
394 Kittle, Frank G., Receiver Purly Coal Company.....	Renwick #1 (Strip).....	Pittsburgh.....	Dear Mountain, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
395 Kittle, Frank G., Receiver Purly Coal Company.....	Renwick #2 (Strip).....	Pittsburgh.....	Dear Mountain, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
396 Kittle, Frank G., Receiver Purly Coal Company.....	Renwick #3 (Strip).....	Pittsburgh.....	Dear Mountain, W. Va.....	D&O.....	00	F	F	F	F	F	F	F	F	F	F
1287 LaRue, E. T. (Lyon Coal Company).....	Lyon #1 (Strip).....	Dakertown.....	Hardman, W. Va.....	D&O.....	70	G	G	G	G	G	G	G	G	G	G
391 LaRue, E. T. (Lyon Coal Company).....	Lyon #2 (Strip).....	Dakertown.....	Hardman, W. Va.....	D&O.....	70	G	G	G	G	G	G	G	G	G	G
395 LaRue, E. T. (Lyon Coal Company).....	Lyon #3 (Strip).....	Dakertown.....	Hardman, W. Va.....	D&O.....	70	G	G	G	G	G	G	G	G	G	G
184 Monongahela Rail and River Coal Corporation.....	Emily.....	Pittsburgh.....	Maldaville, W. Va.....	Monon.....	52	.	.	.	.	.	.	.	.	.	.
11211 Monongahela Rail and River Coal Corporation.....	Emily #2.....	Redstone.....	Maldaville, W. Va.....	Monon.....	52	.	.	.	.	.	.	.	.	.	.

\* If coals from Mine Index 24 and 1241 are loaded into the same car, the minimum price that shall apply to the mixture shall be the price which is listed for the coal in the mixture which has the highest price classification. (Classification "F" in size Groups 1 to 10 inclusive.)

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes.* Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 385, 386, 387, 388, 389, 391, 392, 393, 397, 398, 399. Group No. 6: 390, 394, 395, 1287.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports.* Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 385, 386, 387, 388, 389, 391, 392, 393, 397, 398, 399. Group No. 6: 390, 394, 395, 1287.

## FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2" bottom size	Lump 2", egg 2" bottom size, but over 1 1/4"	Lump 1 1/4" and under, egg 1 1/4" and under bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1 1/4" and 2" slack	3/4" slack
					1	2	3	4	5	6	7
Consolidation Coal Company.	385	Consol #22-A (Strip).	Pittsburgh.	Marion.	223	218	218	193	193	178	168
Consolidation Coal Company.	386	Consol #34-A (Strip).	Pittsburgh.	Marion.	223	218	218	193	193	178	168
Consolidation Coal Company.	387	Consol #88-A (Strip).	Pittsburgh.	Harrison.	223	218	218	193	193	178	168
Consolidation Coal Company.	388	Consol #90-A (Strip).	Pittsburgh.	Harrison.	223	218	218	193	193	178	168
Dennison, C. O.	389	Dennison #2.	Pittsburgh.	Harrison.	223	218	218	193	193	178	168
Dippel Brothers (F. H. Dippel).	390	Haynes #2 (Strip).	Bakerstown.	Preston.	235	235	235	210	210	200	190
Grafton Coal Company.	397	Ridge #1 (Strip).	Pittsburgh.	Taylor.	223	218	218	193	193	178	168
Grafton Coal Company.	398	Ridge #2 (Strip).	Pittsburgh.	Taylor.	223	218	218	193	193	178	168
Grafton Coal Company.	399	Ridge #3 (Strip).	Pittsburgh.	Taylor.	223	218	218	193	193	178	168
Karlckhoff, P. N.	1291	Dixie Run #2.	Redstone.	Barbour.	223	218	218	193	193	178	168
Kittle, Frank G., Receiver Purity Coal Company.	391	Renwick #1 (Strip).	Pittsburgh.	Barbour.	223	218	218	193	193	178	168
Kittle, Frank G., Receiver Purity Coal Company.	392	Renwick #2 (Strip).	Pittsburgh.	Barbour.	223	218	218	193	193	178	168
Kittle, Frank G., Receiver Purity Coal Company.	393	Renwick #3 (Strip).	Pittsburgh.	Barbour.	223	218	218	193	193	178	168
LaRue, E. T. (Lyon Coal Company).	1287	Lyon #1 (Strip).	Bakerstown.	Preston.	235	235	235	210	210	200	190
LaRue, E. T. (Lyon Coal Company).	394	Lyon #2 (Strip).	Bakerstown.	Preston.	235	235	235	210	210	200	190
LaRue, E. T. (Lyon Coal Company).	395	Lyon #3 (Strip).	Bakerstown.	Preston.	235	235	235	210	210	200	190
Wyckoff, Howard.	396	Wyckoff #1.	Pittsburgh.	Taylor.	223	218	218	193	193	178	168

[F. R. Doc. 42-2320; Filed, March 17, 1942; 10:49 a. m.]

[Docket No. A-1199]

## PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR A REVISION OF THE MINIMUM PRICES OF THE COALS OF CERTAIN MINES IN BREATHITT COUNTY, KENTUCKY, SUBDISTRICT NO. 3 IN DISTRICT NO. 8, FOR TRUCK SHIPMENTS

MUM PRICES OF THE COALS OF CERTAIN MINES IN BREATHITT COUNTY, KENTUCKY, SUBDISTRICT NO. 3 IN DISTRICT NO. 8, FOR TRUCK SHIPMENTS

This proceeding was instituted upon a petition filed with Bituminous Coal Division by District Board No. 8, pursuant to

section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its original and amended petition proposed certain decreases in the effective minimum prices heretofore established for the mines of certain code member producers in the Breathitt County, Kentucky, Hazard Subdistrict of District No. 8. In accordance with an Order of the Acting Director dated December 19, 1941, and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated examiner of the Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

Petitioner, District Board 8, and the Bituminous Coal Consumers Counsel appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of District Board 8 herein requested a revision of the price classifications and effective minimum prices for truck shipments for the coals produced at seven mines located in Breathitt County, Kentucky, Hazard Subdistrict.

The testimony of the representative of the District Board 8 shows that minimum prices were originally established for the coals in question. However, it appears that the classifications and minimum prices heretofore established do not properly reflect the relative value of the coals and are not in proper coordination with other coals produced in District No. 8. It appears that the minimum prices of coals of these mines do not correspond with the prices established for other mines located in the same county and seam. The effect of the changes proposed would be to establish for the mines listed the proper prices applicable to the coals from the seam and subdistrict in which such mines are actually producing.

The change will result in decreasing the price for coals in Size Groups 1, 2, 3, 6, 7, and 8 by 10 cents per ton. In Size Group 4 the decrease will be 20 cents per ton and in Size Group 5, 15 cents per ton. Such proposed prices will result in the establishment of a uniform level of prices for analogous and comparable coals produced for truck shipments from other mines in this county.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for compa-

rable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (General prices for high volatile coals in cents per net ton for

shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: March 7, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

#### FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

Code member index	Mine	Mine Index No.	Seam	Base sizes <sup>1</sup>							
				Lump over 2', egg 4' x 6'	Lump 2' and under, egg 3' x 6'	Lump 3' and under	Egg 2' x 4', egg 2' x 5'	Sieve 3' and under, nut 2' and under	Straight mine run	2' and under, slack	3' and under, slack
1	2	3	4	5	6	7	8				
SUB-DISTRICT NO. 3—HAZARD											
BREATHTOWN COUNTY, KY.											
Holliday, M. H., Sr.	M. H. Holliday	2476	No. 4	263	245	210	203	190	200	145	140
Jett, Naith	Naith Jett	4002	Jackson	263	245	210	203	190	200	145	140
Miller Davis Coal Co.	Miller Davis	1312	No. 4	263	245	210	203	190	200	145	140
Noble, Arcturus	Arcturus Noble	2876		263	245	210	203	190	200	145	140
Strong, Fred & Raider Gross	F. Strong & R. Gross	1315	Peacock	263	245	210	203	190	200	145	140
Turner, Cal & Clabe Wilson	Turner & Wilson	1316	No. 4	263	245	210	203	190	200	145	140
Vires, H. C. (Jackson Coal Co.)	Jackson Coal Co.	1317	No. 4	263	245	210	203	190	200	145	140

<sup>1</sup> Indicates a change has been made in original f. o. b. mine prices, and applies in each size group.

<sup>2</sup> Indicates change in seam designation.

[F. R. Doc. 42-2321; Filed, March 17, 1942; 10:49 a. m.]

[Docket No. A-1086]

#### PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER IN PART GRANTING AND IN PART DENYING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 14 AND 15 AND FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF MINE INDEX NOS. 90, 194, 1122, AND 3106 IN DISTRICT NO. 1

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 1, requesting the following relief:

1. The establishment of price classifications and minimum prices for a mixture of the coals in Size Group 5 of the Apple No. 1 Mine (Mine Index No. 14) and the Apple No. 2 Mine (Mine Index No. 15) of the Apple Coal Company (Howard Apple);

2. The change of the seam designation and the revision of the price classifications and minimum prices established for the coals, in Size Groups 3, 4, and 5, of the Bonner Mine (Mine Index No. 1122) of H. C. Bonner;

3. The change of the subdistrict number listed for the coals of the Duckworth Mine (Mine Index No. 3106) of R. S. Duckworth; and

4. The revision of the price classifications and minimum prices established for the coals, in Size Groups 4 and 5, of the Hamler Mine (Mine Index No. 194) of the Hamler Coal Mining Company and the Cherry Run Mine (Mine Index No. 90) of the Superior Cherry Run Coal Corporation;

A petition of intervention having been filed by District Board 2;

A hearing in this matter having been held on November 18, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in

#### DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

##### § 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway leading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1122	Bonner, H. O.	Bonner	6	D	Conifer, Pa.	P&S	119	(f)	(f)	E	E	E

†When shown under a Size Group Number indicates no classification effective for this size group.

NOTE: If coals within the following group are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 14 and 15 of Apple Coal Company (Howard Apple).

Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 321.7 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and § 321.24 (General prices) in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be, and they hereby are, amended, effective fifteen (15) days from the date hereof, as follows:

1. By appending the note set forth in Supplement R annexed hereto and made a part hereof, establishing the price classifications to be applied to a mixture of the coals produced at the Apple Nos. 1 and 2 Mines (Mine Index Nos. 14 and 15, respectively) of the Apple Coal Company (Howard Apple).

2. By establishing, in lieu of the present seam designation and present effective price classifications and minimum prices in Size Groups 3, 4, and 5, inclusive, for the coals produced at the Bonner Mine (Mine Index No. 1122), of H. C. Bonner, in Subdistrict 6, the seam designation and the price classifications and minimum prices in Size Groups 3, 4, and 5, set forth in Supplements R and T annexed hereto and made a part hereof

3. By establishing, in lieu of the present subdistrict designation for the coals produced at the Duckworth Mine (Mine Index No. 3106) of R. S. Duckworth, the subdistrict designation set forth in Supplement T, annexed hereto and made a part hereof.

It is further ordered, That in all other respects the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: March 7, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	County	Subdistrict No.	1	2	3	4	5
Bonner, H. C.	1122	Bonner	Jefferson	6	Run of mine, mod-	Double screened, top	Run of mine, mod-	2" and under, slack	3" and under, slack
Duckworth, R. S.	3100	Duckworth	Garrett	44	All lump coal, double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, mod-	2" and under, slack	3" and under, slack

[F. R. Doc. 42-2355; Filed, March 18, 1942; 10:15 a. m.]

[Docket No. A-1309]

PART 335—MINIMUM PRICE SCHEDULE,

DISTRICT NO. 15.

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention with respect to the matters involved in such relief having been filed with the Division in the above-entitled matter; and

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine Index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
Hodgens, Raymond	1534	No. 4	8	Savanna, Okla.	MKT	101	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Bonner Brothers	1535	No. 4	7	Krebs, Okla.	MKT	101	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Lucas & Frisbie (Virgil Lucas)	1042	Blind Pig	3	Moberly, Mo.	Wabash	111	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Mendenhall, R. M.	795	Mendenhall	11	Forum, Okla.	MV	174	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

<sup>1</sup> Previously classified as truck mine.

A is Market Area list price as listed in Price Schedule No. 1; C, minus 10 cents from list price.

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 335.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

The original petition contains a footnote indicating that the coals of Mine Index No. 1197, operated by code member L. G. McDonald, were classified and priced in Docket No. A-368, but that the mine was erroneously identified as being located in Dade County, Missouri, although actually located in Cedar County, Missouri. However, the records of the Division disclose that Mine Index No. 1197 has been closed down and that the mine in Cedar County, Missouri now operated by code member McDonald is a new mine, that it should be assigned a mine index number and that the same price classifications and minimum prices should be established for its coals as were established in Docket No. A-368 for the coals of Mine Index No. 1197. Accordingly, "Supplement T" hereto sets forth those price classifications and

minimum prices opposite the mine designated as the McDonald #2 Mine, Mine Index No. 1427.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein concerning the coals of Mine Index No. 890 of M. R. Phears, Mine Index No. 164 of the R. & R. Coal Co., Mine Index No. 1587 of Pearson & Son and Mine Index No. 1579 of James Trent for the reasons set forth in the memorandum opinion and order severing that portion of Docket No. A-1309 relating to such coals from the remainder of the docket, designating such portion Docket No. A-1309 Part II, granting temporary relief therein and scheduling Docket No. A-1309 Part II for hearing. Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

Code member index	Mino index No.	Mino	Pro- duction group No.	County	3" lump	3" up	10" x 1 1/2"	10" x 1 1/4"	3" x 2"	3" x 1 1/4"	2" x 1 1/4"	1 1/2" x 1"	Mino run	3" x 0	1 1/4" x 3/8"	1 1/4" x 0 (R)	1 1/4" x 0 (W)	1 1/4" x 0 (R)	1 1/4" x 0
Olayton & Myers (M. Olayton)	1874	Clayton & Myers	3	Collaway, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	170	185
Halt, A. R.	1872	A. R. Halt	1	Vernon, Mo.	200	200	200	200	235	220	205	210	220	195	170	165	165	165	185
Hodgins, Raymond	1884	No. 1	8	Pittsburg, Okla.	435	435	435	435	385	335	205	210	205	195	170	165	165	165	140
Homor Brothers	1884	No. 2	7	Pittsburg, Okla.	485	485	485	485	435	385	205	210	205	195	170	165	165	165	140
McDonald, L. G.	1886	McDonald #2	1	Cedar, Mo.	200	200	200	200	235	205	205	210	220	195	170	165	165	165	140
Munson, Ray L.	1884	Munson No. 3	11	Rogers, Okla.	330	330	330	330	300	270	245	160	220	205	160	205	205	205	115
Rice, Perry (Perry Rice Coal Company)	1883	New Klondike	4	Olney, Mo.	235	235	235	235	275	265	245	220	235	205	160	205	205	205	115

[F. R. Doc. 42-2356; Filed, March 18, 1942; 10:15 a. m.]

# TITLE 32—NATIONAL DEFENSE CHAPTER IX—WAR PRODUCTION BOARD

## SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

### PART 1015—CELLOPHANE AND SIMILAR TRANS- PARENT MATERIALS DERIVED FROM CELLU- LOSE

#### Amendment No. 3 to Limitation Order L-20

Section 1015.1 (Limitation Order L-20) is hereby amended in the following particulars:

Subparagraph (b) (3) is hereby amended to read as follows:

(3) Textiles, including but not limited to hosiery, men's shirts and haberdashery, men's, women's and children's underwear, infants' wear, garters, suspenders, girdles, elastic goods, shoe laces, dolls' clothes, lingerie, sweaters, household goods (such as sheets, pillow cases, towels, dish and wash cloths, table linen, dollies, curtains), bedspreads, blankets, narrow fabrics, bolt and piece goods, notions, threads, yarn, polishing and dust cloths, lace, sanitary belts, ribbons and hair bows, cotton batting, string, and twine; but not including bandages, sanitary swabs, and typewriter ribbons.

Subparagraph (b) (6) is hereby amended to read as follows:

(6) Paper and paper products, including but not limited to books and periodi-

\* 6 F.R. 5793; 7 F.R. 222, 1033.

No. 54—2

Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall take effect immediately. Issued this 17th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2343; Filed, March 17, 1942; 5:28 p. m.]

#### PART 1002—METALLIC LICENSE PLATES

##### General Limitation Order L-32

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metal for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1002.1 General Limitation Order L-32—(a) Definitions. For the purposes of this Order:

(1) "Governmental unit" means any State, Territory or possession of the United States, the District of Columbia, and any political, administrative or governmental division, subdivision, corporation or agency of any of the foregoing or of the United States, including by way of example and not of limitation—counties, townships, cities, towns, villages and special governmental districts of every kind.

(2) "Metallic license plate" means any type of plate, tag, emblem, insignia or marker which is or may be used by a governmental unit to evidence licensing or registration of any kind and for any purpose, into the physical composition of which metal, whether ferrous or non-ferrous, is incorporated to the extent of five percent (5%) or more, by weight, of the finished item.

(3) "Licensing year" means any twelve-month period which has been established as the unit of time during which there shall be in effect the licensing or registration evidenced by a metallic license plate.

(b) General restrictions. Notwithstanding the provisions of any contract or of any Federal, state or local statute or regulation, no governmental unit shall issue or use at any time metallic license plates greater in quantity than is specially authorized herein or from time to time hereafter by the Director of Industry Operations.

(c) Permitted uses. (1) A governmental unit may issue or use metallic license plates to the extent that, as of the date of the issuance of this Order, the cutting and stamping of the metal for the manufacture of such plates has been completed.

(2) In addition, a governmental unit may, during each licensing year which begins after December 31, 1941, issue or use metallic license plates licensing or registering any thing or activity, in total quantities not exceeding ten percent (10%), by weight, of the metallic license plates which it issued or used

during the corresponding licensing year ending after June 30, 1941, and before July 1, 1942, to license or register that same type of thing or activity: *Provided*, That metallic license plates may be thus issued or used for the following purposes and under the following conditions only:

(i) As replacement plates, that is, for the purpose of replacing metallic license plates which have been issued and which have thereafter been lost or destroyed.

(ii) To new licensees or registrants, that is, to persons who have not used or had issued to them during the licensing year immediately preceding that for which application is made, a metallic license plate licensing or registering the same thing or activity for which application for licensing or registration is made.

(iii) In the case of the licensing or registering of any type of vehicle or instrumentality of transportation, in the form of "date tabs", in sizes not exceeding four square inches in area, to be attached to metallic license plates already issued so as to change the effective dates of those plates.

(d) *Records*. All persons or agencies affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, issuance and use of metallic license plates. Similarly, records shall be kept concerning inventories, use and disposition of all sheet metal on hand, as of the date of the issuance of this Order, for the production of metallic license plates.

(e) *Audit and inspection*. All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports*. All persons and agencies affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations or false statements*. Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or otherwise wilfully furnishes false information to the War Production Board, may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeals*. Where compliance with this Order will work an exceptional and unreasonable hardship upon any Governmental Unit, the duly authorized officials of that Governmental Unit may appeal to the War Production Board, Washington, D. C., setting forth the pertinent facts and the reasons why relief is sought. The War Production Board may thereupon take such action as it deems appropriate.

(i) *Applicability of Priorities Regulation No. 1*. This Order and all transac-

tions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Communications to War Production Board*. All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: L-32.

(k) *Effective date*. This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 18th day of March, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2360; Filed, March 18, 1942;  
11:14 a. m.]

#### PART 1133—MOLYBDENUM

##### General Preference Order No. M-110

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Molybdenum for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1133.1 *General Preference Order M-110*—(a) *Definition*. (1) "Molybdenum" means and includes:

(i) Ores and concentrates containing Molybdenum (commercially recognized), and Molybdenum compounds for further purification or refining;

(ii) The element Molybdenum in pure form, ferromolybdenum, and all chemical or other combinations of the element Molybdenum with other materials in manufactured or semi-manufactured form, prepared either for further processing or for other purposes;

(iii) All scrap or secondary material containing commercially recoverable Molybdenum as defined in (i) and (ii) above, excluding Molybdenum-bearing iron and steel scrap.

(b) *Applicability of Priorities Regulation No. 1*. This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries*—(1) *Allocations*. Hereafter no person shall make or accept delivery of Molybdenum unless specifically authorized by the Director of Industry Operations. The Director will from time to time allocate the

supply of Molybdenum and specifically direct the manner and quantities in which deliveries to particular persons and for particular uses shall be made or withheld. The Director may also, in his discretion, require any person seeking to place a purchase order for Molybdenum to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Reports*. Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of Molybdenum unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board reports on Forms PD-358 and PD-359, and an application for Molybdenum on Form PD-360, or in any case, on such other form as the War Production Board may from time to time prescribe, and in addition, shall have filed with any supplier with whom he may place a purchase order for Molybdenum, a copy of Form PD-360: *Provided, however*, That, subject to all the other provisions, restrictions and limitations of this Order and until further order by the Director of Industry Operations, any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 50 pounds contained Molybdenum for consumption in the manufacture of non-metallic products, without filing the reports required by this paragraph. Failure by any person to file an application and reports in the manner and on the date required by this paragraph may be construed as notice to the Director of Industry Operations and to all suppliers of Molybdenum that such person does not desire an allocation of Molybdenum during the period to which the same would have been applicable.

(d) *Violations or false statements*. Any person who wilfully violates this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference: M-110.

(f) *Effective dates*. This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Industry Operations, shall expire on the 31st day of December, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan.

26, 942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 18th day of March 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-2359; Filed, March 18, 1942; 11:14 a. m.]

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

### PART 1306—IRON AND STEEL

#### AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 6<sup>1</sup>—IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Section 1306.10 (i) is hereby amended by adding a new additional proviso, and a new § 1306.9a is added as set forth below:

§ 1306.10 *Appendix A: Domestic and export ceiling prices for sales by producers of iron and steel products.*

(i) \* \* \* *Provided further*, That the discount or allowance to be made on bale tie low carbon Bessemer or basic manufacturers' wire, when sold to recognized manufacturers of bale ties, shall be not less than 40 cents per cwt, off the base price for such wire. Customary quantity discounts and other terms of payment shall also be continued without diminution or extra charge.

§ 1306.9a *Effective date of amendments.* (a) Amendment No. 1 (§§ 1306.10 (i) and 1306.9a) shall become effective March 17, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2342; Filed, March 17, 1942; 5:10 p. m.]

### PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

#### AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 30<sup>3</sup>—WASTEPAPER

A Statement of the Considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>4</sup>

Section 1347.6, footnotes 4, 5 and 8 to § 1347.10, and the last paragraph of § 1347.10 (b) are amended to read as follows:

§ 1347.6 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 30 are subject to the

criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 30 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

#### § 1347.10 *Appendix A: Maximum Prices for Wastepaper*

\* All prices established by this Schedule shall be for wastepaper f. o. b. freight cars, trucks, or barges at the point of shipment or, in case of exports, f. a. s. the vessel at the port of export. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by this Schedule, plus the appropriate transportation allowances set forth in paragraph (b) below, or, in appropriate cases, the allowance set forth in (a) of this footnote. In the case of exports, in appropriate cases, the allowance set forth in (b) of this footnote may be added to the maximum price, in addition to any costs incurred by the seller incident to movement beyond the point of shipment.

\* "No. 1 Mixed Paper" shall consist of clean, dry sorted wastepaper free from objectionable papers and foreign materials and packed in machine compressed bales, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, printer's waste, container manila, print manila, and so forth: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$12.00 per short ton.

\* "Old Corrugated Containers" shall consist of clean, dry sorted corrugated or solid fibre containers of kraft or any other paper substance free from foreign materials, mixed and objectionable papers and packed in machine compressed bales: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$18.00 per short ton.

(b) \* \* \*

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the grade name, origin and destination of the wastepaper, and, if delivered in the seller's vehicle, or by vehicle owned or controlled by the seller, the mileage and the charge for such service. All wastepaper sold shall be designated by the appropriate grade name provided by the Schedule.

§ 1347.9a *Effective dates of amendments.*

(b) Amendment No. 2 (§ 1347.6, footnotes 4, 5, 8; add the last paragraph of § 1347.10 (b)) to Revised Price Schedule No. 30 shall become effective March 23,

1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 17th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2358; Filed, March 18, 1942; 10:47 a. m.]

### PART 1351—FOODS AND FOOD PRODUCTS

#### AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 91<sup>5</sup>—TEA

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Paragraph (b), one item therein, and paragraph (f) of § 1351.261 are amended to read as set forth below:

§ 1351.261 *Appendix A: Maximum prices for tea.*

(b) The maximum prices for tea shall be as follows:

	Cents per pound ex dock New York City		
	Common	Medium	Fine
JAVA AND SUMATRA			
Orange Pekoe.....	41 $\frac{3}{4}$	44 $\frac{3}{4}$	51

(f) Any person making a sale of tea of ten chests or less may add to the maximum price for that sale an amount which shall not exceed ten per cent of such maximum price.

§ 1351.260a *Effective dates of amendments.*

(c) Amendment No. 2 (§ 1351.261 (b), (f)) to Revised Price Schedule No. 91 shall become effective March 18, 1942. Until such date, Revised Price Schedule No. 91 continues in effect as if not amended by Amendment No. 2. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 18th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2341; Filed, March 17, 1942; 5:09 p. m.]

### PART 1367—FERTILIZERS

#### MAXIMUM PRICE REGULATION NO. 108—NITRATE OF SODA, SULPHATE OF AMMONIA AND CYANAMID

In the judgment of the Price Administrator the prices of nitrate of soda, sulphate of ammonia and cyanamid have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of nitrate of soda, sulphate of ammonia and

\* 7 F.R. 1378, 1857.

<sup>1</sup> 7 F.R. 1215.

<sup>2</sup> The Statement of Considerations has been filed with the Division of the Federal Register.

<sup>3</sup> 7 F.R. 1260, 1601.

<sup>4</sup> Filed with the Division of the Federal Register.

cyanamid prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 108 is hereby issued.

§ 1367.21 *Maximum prices for nitrate of soda, sulphate of ammonia and cyanamid.* On and after March 23, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver nitrate of soda, sulphate of ammonia or cyanamid in quantities of 250 pounds or more at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1367.30; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of nitrate of soda, sulphate of ammonia, or cyanamid to a purchaser if prior to March 23, 1942 such nitrate of soda, sulphate of ammonia or cyanamid had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.\*

\*§§ 1367.21 to 1367.30, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1367.22 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1367.30) may be charged, demanded, paid or offered.\*

§ 1367.23 *Conditional agreements.* No seller of nitrate of soda, sulphate of ammonia or cyanamid shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1367.30, in the event that this Maximum Price Regulation No. 108 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extension consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts

adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).\*

§ 1367.24 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 108 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to nitrate of soda, sulphate of ammonia, or cyanamid, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount; premium or other privilege, or by tying-agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise.\*

§ 1367.25 *Records and reports.* (a) Every person (including an agent or dealer making a sale of nitrate of soda, sulphate of ammonia or cyanamid in quantities of 250 pounds or more in the course of trade or business or otherwise dealing therein, to a consumer after March 23, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such sale, showing the date thereof; the name and address of the buyer, of the person (including an agent or dealer) making the sale, and the kind or brand of the nitrate of soda, sulphate of ammonia or cyanamid; the quantity and grade sold; the bags or containers in which delivered; the price charged or received therefor including transportation expenses; the terms of payment (time, cash, etc.); and the method and conditions of delivery.\*

§ 1367.26 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 108 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 108 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.\*

§ 1367.27 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 108 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.\*

§ 1367.28 *Definitions.* (a) When used in this Maximum Price Regulation No. 108 the term:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other gov-

ernment or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means a person who manufactures nitrate of soda, sulphate of ammonia or cyanamid.

(3) "Importer" means a person who imports from a foreign country for resale in this country nitrate of soda, sulphate of ammonia or cyanamid.

(4) "Primary jobber" means a person such as The Barret Division of Allied Chemical and Dye Corporation who purchases sulphate of ammonia from a producer for resale to others than consumers.

(5) "Mixer" means a person who purchases nitrate of soda, sulphate of ammonia or cyanamid from a producer, importer, or primary jobber for resale to dealers or consumers.

(6) "Dealer" means a person who purchases nitrate of soda, sulphate of ammonia or cyanamid from a person other than a producer, importer or primary jobber for resale to consumers.

(7) "Agent" means a person who acts on behalf of another person in making sales of nitrate of soda, sulphate of ammonia and cyanamid.

(8) "Consumer" means a person who purchases nitrate of soda, sulphate of ammonia or cyanamid for use in aiding the growth of crops or plants (and not for resale).

(9) "Shipping Point" means a point of distribution maintained by a producer, importer, or primary jobber from which actual shipment is made.

(10) "Nitrate of Soda" means the various grades of commercial sodium nitrate when sold or marketed as an aid to the growth of plants or crops.

(11) "Sulphate of Ammonia" means the various grades of ammonium sulphate when sold or marketed as an aid to the growth of plants or crops.

(12) "Cyanamid" means the various grades of calcium cyanamid when sold or marketed as an aid to the growth of plants or crops.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.\*

§ 1367.29 *Effective date.* This Maximum Price Regulation No. 108 (§§ 1367.21 to 1367.30, inclusive) shall become effective March 23, 1942.\*

§ 1367.30 *Appendix A: Maximum prices for nitrate of soda, sulphate of ammonia and cyanamid.*—(a) *Nitrate of soda*—(1) *Cash sales by mixers, directly or through agents, to consumers.* The maximum price for cash sales of nitrate of soda by a mixer or his agent to consumers for use as fertilizer shall be:

(i) The price paid by such mixer to the producer or importer of such nitrate of soda, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) \$4.00 per two thousand pounds or \$0.20 per hundred pounds.

\*The statement of considerations has been filed with the Division of the Federal Register.

<sup>2</sup> 7 F.R. 971.

(2) *Cash sales by mixers to dealers.* The maximum price for cash sales of nitrate of soda by a mixer to dealers shall be:

(i) The price paid by such mixer to the producer or importer of such nitrate of soda, *plus*

(ii) The amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) \$2.00 per two thousand pounds or \$0.10 per hundred pounds.

(3) *Cash sales by dealers.* The maximum price for cash sales of nitrate of soda by a dealer to consumers for use as fertilizer shall be:

(i) The price paid by such dealer, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such dealer, *plus*

(iii) \$2.00 per two thousand pounds or \$0.10 per hundred pounds.

(4) *Credit sales.* (i) In the case of credit sales of nitrate of soda by mixers and dealers, charges for credit no more onerous than those in effect during the year 1941 may be added to the maximum prices established by subparagraphs (1), (2) and (3) above.

(b) *Sulphate of ammonia (ammonium sulphate).*—(1) *Cash sales by mixers, directly or through agents, to consumers.* The maximum price for cash sales of sulphate of ammonia by a mixer or his agent to consumers for use as fertilizer shall be:

(i) The price paid by such mixer to the producer, importer or primary jobber of such sulphate of ammonia, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) \$4.00 per two thousand pounds or \$0.20 per hundred pounds, *plus*

(v) \$1.50 per two thousand pounds or \$0.075 per one hundred pounds when such sulphate of ammonia is purchased in bulk, and resold in bags or other containers by such mixer, *plus*

(vi) The cost of bags or other containers for such sulphate of ammonia, when such sulphate of ammonia is bagged by such mixer.

(2) *Cash sales by mixers to dealers.* The maximum price for cash sales of sulphate of ammonia by a mixer or his agent to dealers shall be:

(i) The price paid by such mixer to the producer, importer or primary jobber of such sulphate of ammonia, *plus*

(ii) The amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) \$2.00 per two thousand pounds or \$0.10 per hundred pounds, *plus*

(iv) \$1.50 per two thousand pounds or \$0.075 per one hundred pounds when such sulphate of ammonia is purchased in bulk and resold in bags or other containers by such mixer, *plus*

(v) The cost of bags or other containers for such sulphate of ammonia, when such sulphate of ammonia is bagged by such mixer, *plus*

(vi) The cost of tax tags, if any, and the attaching thereof paid by such mixer.

(3) *Cash sales by dealers.* The maximum price for cash sales of sulphate of ammonia by a dealer to consumers for use as fertilizer shall be:

(i) The price paid by such dealer, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such dealer, *plus*

(iii) \$2.00 per two thousand pounds or \$0.10 per hundred pounds, *plus*

(iv) The cost of bags or other containers for such sulphate of ammonia, if not included in the price paid by such dealer.

(4) *Credit sales.* (i) In the case of credit sales of sulphate of ammonia by mixers and dealers, charges for credit no more onerous than those in effect during the year 1941 may be added to the maximum prices established by subparagraphs (1), (2), and (3) above.

(c) *Cyanamid.*—(1) *Cash sales by mixers, directly or through agents, to consumers.* The maximum prices for cash sales of cyanamid by a mixer or his agent to consumers for use as fertilizer shall be:

(i) The price paid by such mixer to the producer or importer of such cyanamid, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof by such mixer, *plus*

(iv) \$4.00 per two thousand pounds or \$0.20 per hundred pounds.

(2) *Cash sales by mixers to dealers.* The maximum price for cash sales of cyanamid by a mixer or his agents to dealers shall be:

(i) The price paid by such mixer to the producer or importer of such cyanamid, *plus*

(ii) The amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) \$2.00 per two thousand pounds or \$0.10 per hundred pounds.

(3) *Cash sales by dealers.* The maximum price for cash sales of cyanamid by a dealer to consumers for use as fertilizer shall be

(i) The price paid by such dealer, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such dealer, *plus*

(iii) \$2.00 per two thousand pounds or \$0.10 per hundred pounds.

(4) *Credit sales.* (i) In the case of credit sales of cyanamid by mixers and dealers, charges for credit no more onerous than those in effect during the

year 1941 may be added to the maximum prices established by subparagraphs (1), (2) and (3) above.

(d) *Territory.* Nothing in this Maximum Price Regulation No. 108 shall apply or be deemed to apply to sales of nitrate of soda, sulphate of ammonia or cyanamid in the states of Washington, Oregon, California, Montana, Wyoming, Idaho, Nevada, Utah, Colorado, and Arizona.\*

Issued this 17th day of March 1942.

JOHN E. HAMM,  
Acting Price Administrator.

[F. R. Doc. 42-2340; Filed, March 17, 1942;  
5:09 p. m.]

#### PART 1304—IRON AND STEEL SCRAP

##### AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 4<sup>1</sup>—IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Sections 1304.6, 1304.13 (c) (3) and 1304.14 (a) are amended to read as follows; § 1304.13 (d) (3) including exceptions 1 to 8 is redesignated as § 1304.13 (d) (4) and amended to read as follows; Two new paragraphs, § 1304.13 (d) (3) and § 1304.15 (b) (3) are added and a new section 1304.12A is added; as set forth below:

§ 1304.6 *Commissions.* No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a consumer shall employ a broker to purchase iron and steel scrap, such consumer may pay such broker a commission not exceeding 50 cents per gross ton. No commission shall be payable unless (a) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (b) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (c) the broker sells the scrap to the consumer at the same price at which he purchased it; (d) the broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap, with another broker or subbroker, or with the consumer, and (e) the commission is shown as a separate item on the invoice. No commission shall be payable to a person for scrap which he prepares.

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.*

(c) *Maximum shipping point prices.*

(3) *Established charges.* (i) The transportation charges or switching charges used in computing shipping point prices need not reflect any rise in rates which became effective after March 14, 1942;

<sup>1</sup>7 F.R. 1207.

<sup>2</sup>The Statement of Considerations has been filed with the Division of the Federal Register.

(ii) No charge shall be deemed an established charge within the meaning of Price Schedule No. 4 unless it has been the basis of actual movement of scrap to the most favorable basing point during the calendar year 1941.

(d) *Maximum prices delivered to the plant of a consumer.*

(3) For the purpose of computing maximum delivered prices under this paragraph, any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942 may be included only if shown as a separate item on the invoice.

(4) In no case, however, shall the delivered price exceed the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, by more than \$1.00 plus any increase in the transportation charge from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942, with the following exceptions:

*Exception 1.* For consumers having St. Louis as their nearest basing point the delivered price may not exceed the St. Louis basing point price by more than \$1.50 plus any increase in transportation charges mentioned in (d) (3) above: *Provided*, That the delivered price of scrap shipped to such consumers from shipping points in Arkansas may not exceed the St. Louis basing point price by more than two dollars plus any increase in transportation charges mentioned in (d) (3) above. For consumers whose nearest basing points are Detroit, Birmingham and Alabama City, respectively, the delivered price may not exceed by more than two dollars plus any increase in transportation charges mentioned in (d) (3) above, the price at their respective basing points.

*Exception 2.* In the case of machine shop turnings or related grades of turnings, as defined herein, delivered to electric furnace producers of ferro alloys, and in the case of chemical borings delivered to chemical users thereof, the delivered price shall not be limited to one dollar etc., in excess of the price at the basing point nearest the consumer's plant.

*Exception 3.* "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in § 1304.13, Appendix A, and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, North Dakota, South Dakota and Washington. Colorado scrap shall be remote scrap for Colorado consumers only.

(i) The delivered price of remote scrap may exceed by more than \$1.00 but not more than \$5.00 the price at the basing plant nearest the consumer's plant: *Provided*, That immediately upon delivery of such scrap, the consumer files with the Office of Price Administration, Washington, D. C., (a) a fully detailed statement under oath setting forth the name and address of the seller, the

shipping point of the scrap, the grade, quantity and price at shipping point, delivered price, the mode of transportation employed and the transportation charges from the shipping point to the point of delivery, and (b) certified copies of all bills of lading covering the shipment of such scrap from the remote shipping point to the point of delivery.

(ii) Where the delivery price of remote scrap would exceed by more than \$5.00 the price at the basing point nearest the consumer's plant, the consumer may not purchase or accept delivery of such scrap until his application to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap has been approved. Applications by consumers must be under oath and fully detailed, setting forth the name and address of the seller, point of shipment of the scrap, the grade, quantity and price at shipping point, proposed delivered prices, the mode of transportation to be employed, and the transportation charges from the shipping point to the consumer's plant. The application must also contain a statement by the consumer of its need for, and its willingness to accept, such scrap at the price quoted.

Immediately upon delivery of such scrap, the consumer must comply with the filing requirements of paragraph (i) (b) above.

*Exception 4.* Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, Detroit, Michigan, or Chicago, Illinois, the delivered price shall not be limited to one dollar etc., in excess of the basing point nearest the consumer's plant.

*Exception 5.* In computing the delivered price of Billet, Bloom and Forge crops originating in and shipped from the Pittsburgh Basing Point, the maximum transportation charges which may be added to the shipping point price shall be \$2.65.

*Exception 6.* The delivered price of Low Phos. and Sulphur Punchings and Plate Scrap, Low Phos. and Sulphur Bar Crops and Smaller, Alloy Free Low Phos. and Sulphur Turnings, and First Cut Heavy Axle and Forge Turnings produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges, to the Buffalo, N. Y., Pittsburgh, Brackenridge, or Midland, Pa., basing point, shall not exceed by more than \$3.00 plus any increase in transportation charges mentioned in (d) (3) above the price at the basing point nearest the consumer's plant.

*Exception 7.* Where scrap is shipped from a New England shipping point, the maximum transportation charges which may be added to the shipping point price shall be \$6.65 per gross ton.

*Exception 8.* Where the shipping point price of scrap is computed from water rates, and water movement is not available the year round, consumers who can

establish that they did receive delivery of such scrap by water within \$1.00 of the price at their nearest basing point between April 15 and November 15, 1941, may pay the shipping point price plus all-rail transportation charges from the shipping point to the point of delivery whenever water movement is not available.

*Exception 9.* Where scrap is shipped pursuant to an allocation order issued by the War Production Board, the delivered price shall not be limited to \$1.00 etc., in excess of the price at the basing point nearest the consumer's plant: *Provided, however*, That in all such cases, the most economical transportation facilities must be employed. For example, but not by way of limitation:

(i) If vessel or rail-vessel or vessel-rail facilities are available from shipping point to point of delivery, and use of such facilities will result in lower transportation charges than all-rail movement, the maximum transportation charges which may be added to the shipping point price may not exceed the charges which would apply if the cheapest available facility were employed;

(ii) Where the most economical method available involves rail movement, the rail transportation charges must be computed on the basis of the rates for the highest minimum carload weight.

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads—(a) Scrap originating from railroads—operating in a basing point named below (all prices given below are per gross ton).* The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. The term "transportation charges" shall include any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942; and where specific amounts of allowable transportation charges are mentioned, there may be superadded thereto 6% of such allowable charge. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

§ 1304.15 *Appendix C: Maximum prices for cast iron scrap other than railroad scrap.* (All the prices given below are per gross ton).

(b) *Maximum price delivered to a consumer.*

(3) For the purpose of computing maximum delivered prices under this paragraph, any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942 may be included.

§ 1304.12a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1304.6,

1304.12a, 1304.13 (c) (3), (d) (3), (d) (4), 1304.14 (a), 1304.15 (b) (3)) to Revised Price Schedule No. 4 shall become effective March 18, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 18th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2345; Filed, March 18, 1942;  
9:39 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1503]

#### PART 79—TIMBER<sup>1</sup>

AMENDMENT OF THE REGULATIONS GOVERNING SMALL SALES OF TIMBER IN ALASKA, SO AS TO REQUIRE THE ISSUANCE OF PERMITS IN ADVANCE OF CUTTING OF TIMBER; OFFICERS IN CHARGE OF CUTTING

In order to prevent the cutting of timber on public lands in Alaska under small sales applications, authorized by 43 CFR 79.15-79.33, until permits authorizing such cutting have been issued, the regulations are hereby amended as stated below.

Section 79.20 is amended to read:

§ 79.20 *Action by register on application.* Upon receipt of an application for timber on land from which it may properly be cut, with the required deposit, the register will give it a serial number and note a reference thereto on his tract book. He will acknowledge receipt of the application and advise the applicant that no timber may be cut until receipt of a permit from the officer in charge of timber cutting operations in Alaska. If the required deposit does not accompany the application, or the land is embraced in an entry or selection or is not of the character described in § 79.16, from which timber may be cut, he will suspend action on the application and call on the applicant to make the required payment, or to amend the application as the case may be.

When the application is proper the register will promptly forward it through the office of the General Land Office Coordinator for Alaska, to the officer or examiner, as the case may be, in charge of timber cutting in Alaska. The application will be accompanied with the statement indicating that the records of the District Land Office do not show any objection to the cutting of the timber applied for.

Section 79.21, paragraph (c) is amended to read as follows:

§ 79.21 *Conditions precedent to cutting and removal of timber.*

(c) After he has received from the officer in charge of timber cutting operations in Alaska a permit authorizing the cutting of the timber applied for.

Section 79.24 is amended by adding thereto the following:

§ 79.24 *Issuance of permit.* Where conditions warrant the officer in charge will reject the application, stating his reasons for such action. The officer will insert in all permits issued by him such conditions and provisions respecting the cutting and removal of the timber as in his opinion are required by the public interests. Any person who is adversely affected by the action taken on his application may secure a review thereof by making request therefor to the Commissioner of the General Land Office. The officer in charge will make a report in triplicate showing all permits issued and all applications rejected, transmitting the original to the Commissioner of the General Land Office, the duplicate to the Register, and the triplicate to the General Land Office Coordinator for Alaska.

Supervision of Alaska timber sales hereafter will be had through such officers or examiners as may be designated by the Commissioner of the General Land Office. Accordingly the following changes in the regulations will be made:

In § 79.25 (*Field examination and appraisal of timber*), the words "officer or examiner, as the case may be," will be substituted for the word "agent."

In § 79.26 (*Removal of timber*), the words "officer or examiner, as the case may be," will be substituted for the words "special agent."

In § 79.27 (*Payment*), paragraph one, the words "officer or examiner, as the case may be," will be substituted for the words "special agent" and paragraph two will be amended to read as follows:

The register will advise the officer in charge as to all moneys received in connection with applications to purchase timber giving the serial numbers of the cases and other necessary information. The moneys will be held as "unearned" pending receipt of a report from such officer. The officer in charge will account to the register for all moneys received by him or by the examiners, and he will advise the register when moneys on deposit should be covered into the Treasury or returned.

Section 79.28 will be amended to read as follows:

§ 79.28 *Final action.* After necessary action by the register and by the officer in charge, the application and related papers will be forwarded by the register to the General Land Office, through the

General Land Office Coordinator for Alaska.

In § 79.31 (*Revocation of permit*), the words "officer or examiner, as the case may be," will be substituted for the words "special agent."

FRED W. JOHNSON,  
Commissioner.

Approved: March 7, 1942.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 42-2349; Filed, March 18, 1942;  
9:47 a. m.]

## TITLE 50—WILDLIFE

### CHAPTER I—FISH AND WILDLIFE SERVICE

#### PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

##### SAND LAKE NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 7151), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II<sup>1</sup> (53 Stat. 1431), the following is hereby ordered:

§ 29.800 *Sand Lake National Wildlife Refuge, South Dakota; fishing.* Non-commercial fishing is permitted in Sand Lake National Wildlife Refuge, South Dakota, from May 15 to September 15, inclusive, of each year from 6 a. m. to 8 p. m. in the waters specified herein, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions and restrictions:

(a) *Waters open to fishing.* The waters of the James River in the Hecla Recreation Area in the NW¼NE¼ sec. 29, T. 128 N., R. 61 W., shall be open to fishing.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of South Dakota. Fishing shall be by hook and line only, as defined by State law.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the South Dakota Game and Fish Commission, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the South Dakota Game and Fish

<sup>1</sup> These regulations are issued under the authority contained in sec. 11, 30 Stat. 414; 48 U.S.C. 421.

<sup>1</sup> 4 F.R. 2731.

Commission or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* The use of boats or floating devices of any description is prohibited on all waters of the refuge except for official purposes.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
MARCH 3, 1942.

[F. R. Doc. 42-2348; Filed, March 18, 1942;  
9:48 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. D-14]

IN THE MATTER OF THE APPLICATION OF THE MILWAUKEE FUEL AND DOCK COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

#### ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on February 9, 1942, providing that a hearing be held on March 18, 1942; and

A motion having been filed by the Applicant for a postponement of the hearing for a period of thirty to sixty days; and

The Acting Director finding that a reasonable showing of necessity for postponement has been made by the Applicant;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from March 18, 1942 at 10:00 a. m. to April 27, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2351; Filed, March 18, 1942;  
10:14 a. m.]

[Docket No. A-1253]

PETITION OF THE BROWN COAL COMPANY AND THE H & M COAL CO., CODE MEMBERS IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1, 2, AND 3 PRODUCED FROM MINE INDEX NOS. 311 AND 1203 IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

#### ORDER DISMISSING PETITION AND CANCELLING HEARING

A hearing in the above-entitled matter having been scheduled to be held on

March 27, 1942 at Fort Smith, Arkansas; and

The petitioners therein, the Brown Coal Company and the H & M Coal Company now having jointly filed a motion for the dismissal, without prejudice, of their original petition filed in the matter and having shown good cause for the granting of such motion;

It is hereby ordered, That the original petition in the above-entitled matter be and it hereby is dismissed, without prejudice, and that the hearing in such matter heretofore scheduled to be held at Fort Smith, Arkansas on March 27, 1942 be and it hereby is cancelled.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2352; Filed, March 18, 1942;  
10:14 a. m.]

[Docket No. 1508-FD]

IN THE MATTER OF THE APPLICATION OF INDIANA COALS CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

#### ORDER OF THE ACTING DIRECTOR SUSPENDING CERTAIN CONDITIONS IN PRIOR ORDER

By Order of May 27, 1941, the Director, pursuant to and in accordance with Section 12 of the Bituminous Coal Act of 1937, having provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency," subject to specified conditions designed to insure that the operations of applicant would not circumvent the standards of Section 12 and the over-all objectives of the Act;

On December 17, 1941, the applicant having filed a motion to suspend for six months the operation of Conditions 2 and 4 of the Order of Provisional Approval, which are concerned with sub-agents' commissions and discounts allowed to registered distributors or registered farmers' cooperatives, in order that applicant might effect contracts covering sufficient tonnage to permit the functioning of the marketing agency;

The Acting Director in a Memorandum Opinion and Order, dated December 24, 1941, having granted the motion for the suspension of the operation of said Conditions 2 and 4 for a period of 90 days and denying applicant's request for a longer suspension, and having reserved jurisdiction, if in the Acting Director's opinion such action would be deemed advisable, to order applicant to show cause at the end of the 90-day period from the start of the applicant's operating and functioning as a marketing agency why the operation of Conditions 2 and 4 should be further suspended, and for the purpose of imposing any further condition that might be found necessary, and further concluding that unless applicant is organized and functioning as a marketing agency within 90 days from December

24, 1941, the provisional approval granted applicant should be withdrawn and revoked 90 days from December 24, 1941;

The applicant, on March 6, 1942, having filed a supplemental motion reciting, *inter alia*, that the applicant has proceeded with its organization, has caused due meetings of its Board of Directors and stockholders to be held, has negotiated and has in process of negotiation contracts with subscribers, all of which are set forth in an exhibit attached to said supplemental motion, has issued its initial classification and Price Schedule No. 1, which was filed with the Bituminous Coal Division under date of February 12, 1942, and thereafter submitted supplemental statements and data in support of said price schedule,<sup>1</sup> but that it will be unable to be in full operation by March 24, 1942, and, therefore, will not have been able to operate a sufficient length of time to present any facts upon which applicant and the Director may judge the effect of Items 2 and 4 as applied to applicant;

The supplemental motion praying that the operations of Items 2 and 4 of the Order of Provisional Approval be suspended for a period of six months from March 24, 1942, and that thereafter the Director order applicant to show cause why the operation of said Items 2 and 4 should be further suspended, and that the Order of Provisional Approval, dated May 27, 1941, be not withdrawn and that the revocation of said Order be extended for a period of 90 days from March 24, 1942, and under the conditions set forth in the Memorandum Opinion and Order dated December 24, 1941;

It appearing to the Acting Director that no immediate harm will result from a brief suspension of those conditions;

It is concluded that the prayer of applicant should be granted to the extent that the operation of Conditions 2 and 4 set forth in the Order granting provisional approval dated May 27, 1941, be suspended for a period of 90 days from March 24, 1942, and that the applicant's request for a longer period of suspension should be denied.

It is further concluded that thereafter the director may order applicant to show cause why the operation of said Items 2 and 4 should be further suspended.

It is further concluded that the provisional approval to applicant, heretofore granted by Order of the Director dated May 27, 1941, be not withdrawn and that the revocation of said Order be extended for a period of 90 days from March 24, 1942, subject to all the conditions set forth in the earlier orders issued in this proceeding.

And it is so ordered.

Dated: March 17, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2353; Filed, March 18, 1942;  
10:14 a. m.]

<sup>1</sup> The operation of price schedule has been suspended for the time being upon direction of the Acting Director.

[General Docket No. 23]

IN THE MATTER OF THE MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS AS ESTABLISHED BY THE DIVISION FOR DISTRICTS 1 TO 20, INCLUSIVE, 22 AND 23; AND IN RE THE PROPOSAL TO REVIEW AND REVISE THE MARKETING RULES AND REGULATIONS AS ESTABLISHED BY THE DIVISION

AN ORDER APPROVING AND ADOPTING, WITH MODIFICATION, PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND REVISING AND MODIFYING THE MARKETING RULES AND REGULATIONS

The Director of the Bituminous Coal Division having instituted a proceeding, pursuant to the provisions of the last sentence of section 4 II (b) of the Bituminous Coal Act of 1937, to receive evidence relating to the reasonableness and necessity of revising those portions of the Marketing Rules and Regulations<sup>1</sup> relating to the payment of interest on overdue accounts;

A hearing having been duly held in this proceeding before Edward J. Hayes, a duly designated Examiner of the Division, at Washington, D. C., on September 30, 1941; District Boards 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 15, 18 and 22; the City of Chicago, the American Coal Distributors Association, The National Fuel Credit Association, several code members and one registered distributor intervened. Bituminous Coal Consumers' Counsel filed a notice of appearance.

The Examiner having made and entered his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations, dated December 19, 1941;

District Board 11, the Bituminous Coal Consumers' Counsel, and the City of Chicago, all parties to this proceeding, having in due time filed exceptions to the Report of the Examiner and supporting Briefs;

The undersigned having carefully considered the entire record in this proceeding, and upon the basis thereof, having rendered Findings of Fact, Conclusions of Law and an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the Proposed Findings of Fact, Conclusions of Law and Recommendations of the Examiner be and are hereby adopted, except that his recommended revision of Rule 1 (I) of Section VII be modified to include (1) a provision that the waiver of interest charges not exceeding fifty (50¢) cents is permissible only when the amount of such interest is computed on the total shipments of coal to any one buyer during any one month, and not upon the amount of an individual invoice and (2) to exclude the provision excepting the City of Detroit from the 10 day grace provision.

<sup>1</sup> The Marketing Rules and Regulations incidental to the Sale and Distribution of Coal were established to take effect concurrently with the establishment of effective minimum prices in General Docket No. 15. These rules and regulations were later revised, in part, in Dockets Nos. A-3 and A-375 and General Docket No. A-20.

It is ordered, That effective April 1, 1942, the Marketing Rules and Regulations established in General Docket No. 15 be and the same hereby are revised and amended to read as follows:

A. Rule 1 (I) of Section VII. Unless payment of an account for the sale of coal is received by the seller within ten (10) days after the due date of such an account as provided in these Marketing Rules and Regulations, the seller shall charge and the buyer shall pay interest from and after the due date of the account at the rate of not less than five (5%) per centum per annum on the invoice price of the coal sold: *Provided, however,* That no interest need be charged on the account by the seller and unless such interest exceeds fifty (50¢) cents on the total purchases for any one month, except where an account remains unpaid thirty (30) days after the due date thereof interest must be charged from the due date, regardless of the amount of such interest: *And provided further,* That in the case of sales made to Federal, State or Local Governments, or any agency thereof, interest need not be paid at a rate in excess of, but shall be paid at a rate of not less than that prescribed by applicable statutes or rules as the maximum rate of interest governing such payments, where that prescribed maximum is less than five (5%) per centum per annum.

B. Rule 1 (J) of Section VII. Transportation charges on all-rail shipments or on ex-river shipments of coal from the lifting point shall not be paid by a Code Member, his Sales Agent, or a Distributor, except to prepay stations as published in current railway tariffs or on shipments to the United States Government, States or political subdivisions thereof, and except as authorized in the minimum price schedules or in paragraph 1 of Section 4 II (i) of the Act. Where the transportation charges are thus prepaid, the amount thereof shall, immediately upon receipt of the freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment, and unless payment for such transportation charges on shipments to prepay stations is received by the seller within ten (10) days from the date of the invoice, the seller shall charge and the buyer shall pay interest at the rate of five (5%) per centum per annum from the due date commencing on the day following the date payment is due, except as otherwise provided in the minimum price schedules.

C. Rule 1 (K) of Section VII. Except as provided in Section X of these Marketing Rules and Regulations, no Code Member, his Sales Agent, or a Distributor, shall accept as payment in full for any account for the sale of coal any amount which is less than the applicable invoice price for the quantity of coal involved plus any interest charges on the unpaid balance of the invoice price as required under Rule 1 (I) of this Section: *Provided,* That a Code Member, his Sales Agent, or a Distributor may enter into a bona fide general creditors' composition with other creditors of a defaulting pur-

chaser. A copy of such creditors' composition shall be filed with the Statistical Bureau or Bureaus within ten (10) business days from the date of the making hereof. No provision of this rule is intended to prohibit the interim acceptance of a partial payment of an account, pending its final payment with all interest due.

D. Rule 2 of Section V and Rule 8 of Section VI. The following subsection (e) is to be added to these Rules:

(e) If the price herein is not paid on the date of payment (including the ten (10) day grace period) specified in Rule 1 of Section VII of the Marketing Rules and Regulations established by the Bituminous Coal Division of the United States Department of the Interior, the seller shall charge and the buyer shall pay interest as required in the aforesaid Rule 1 of Section VII, commencing on the day following the date payment is due. Only the receipt of a remittance by the seller shall be deemed to constitute payment of the account, as provided in these Marketing Rules and Regulations.

Dated: March 16, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2354; Filed, March 18, 1942;  
10:14 a. m.]

## DEPARTMENT OF LABOR.

### Division of Public Contracts.

#### IN THE MATTER OF AN EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE AIRCRAFT MANUFACTURING INDUSTRY

##### NOTICE OF OPPORTUNITY TO SHOW CAUSE

Notice is hereby given to all interested parties that they have until April 1, 1942, to show cause why the Secretary's decision of December 14, 1938 (3 F.R. 3044) in the matter of the determination of the prevailing minimum wages in the Aircraft Manufacturing Industry, as amended on October 18, 1941 (6 F.R. 5342) should not be further amended by the substitution of the following definition for the industry:

The Aircraft Manufacturing Industry is that industry which manufactures airplanes and gliders, aircraft-type engines, aircraft propellers, parts and accessories for the above mentioned products, and specialized aircraft servicing equipment.

Expressly excluded from the scope of the definition are such commodities as:

*Fabricated textile products.* Fabric covers (including engine warming covers); parachutes; safety belts; tow targets; and wind socks.

*Pyrotechnics.* Cartridges for engine starters; and flares and signals.

*Electrical and radio equipment.* Batteries, electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; and radio compasses.

*Rubber products.* Rubber de-icing equipment; flotation gear; life preserv-

ers and life rafts; bonded rubber mountings and vibration dampers; rubber utilities; and tires and tubes.

**Machine shop products and machinery.** Bearings; bolts, nuts, rivets, screws, and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; and wire rope.

**Miscellaneous products.** Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; and lighter-than-air craft.

The effect of the proposed amendment will be to broaden the scope of the minimum wage determination for the industry to include such products as the following:

Light commercial aircraft;  
Engines and propellers for light commercial aircraft;  
Parts and accessories for light commercial aircraft and their engines and propellers;  
Glanders; and  
Specialized servicing equipment for ground use.

The prevailing minimum wage for the Aircraft Manufacturing Industry, as determined by the Secretary of Labor, is 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece work basis. The determination further provides that apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

The proposed extension is based upon evidence received by this Department which indicates (1) that the majority of the plants manufacturing light commercial aircraft for which data are available have a minimum wage of not less than 50 cents per hour; (2) that the predominant number of wage earners manufacturing light commercial aircraft are employed in plants having a minimum wage of not less than 50 cents per hour; (3) that gliders are manufactured by processes and at wages similar to or identical with those in the production of light commercial aircraft; (4) that parts and accessories for light commercial aircraft are usually made either by the manufacturer of the aircraft, or by the manufacturer of parts and accessories for military and heavy transport aircraft; and (5) that specialized servicing equipment for ground use is normally manufactured by the same firms which manufacture products already subject to the determination.

All briefs or telegraphic communications should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. They will be considered if they are received on or before April 1, 1942. No form for the brief is prescribed, but an original and four copies must be submitted.

Dated: March 17, 1942.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-2344; Filed, March 18, 1942;  
9:32 a. m.]

## Wage and Hour Division.

### NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that the special certificates for the employment of learners, namely (1) certificate dated October 14, 1940, authorizing the employment of learners not to exceed at any one time five per cent of the total number of factory workers (excluding office and sales personnel) employed in the plant, and (2) certificate dated October 23, 1940, authorizing the employment of sixty additional learners issued to the Sport-Wear Hosiery Mills, of Etowah, Tennessee, has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at City of New York this 17th day of March 1942.

ALEX G. NORDHOLM,  
Duly Authorized Representative  
of the Administrator.

[F. R. Doc. 42-2357; Filed, March 18, 1942;  
10:27 a. m.]

## CIVIL AERONAUTICS BOARD.

[Docket Nos. 721 and 561]

IN THE MATTER OF THE TEMPORARY AMENDMENT OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF AMERICAN AIRLINES, INC., FOR ROUTE NO. 4, AND OF TRANSCONTINENTAL & WESTERN AIR, INC., FOR ROUTE NO. 2, TO INCLUDE LONG BEACH, CALIF., AS AN INTERMEDIATE POINT: AND THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AMENDMENT TO ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO INCLUDE LONG BEACH, CALIF., AS AN INTERMEDIATE STOP

### NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1001 and 401 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on March 20, 1942, at 11 a. m. (eastern standard time) in the Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated March 17, 1942.

[SEAL] THOMAS L. WRENN,  
Examiner.

[F. R. Doc. 42-2346; Filed, March 18, 1942;  
9:47 a. m.]

## CIVIL SERVICE COMMISSION.

### CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, MARCH 14, 1942

**Important.** The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
<b>IN ARREARS</b>		
1. Puerto Rico.....	1,306	61
2. Virgin Islands.....	17	1
3. Hawaii.....	296	24
4. Alaska.....	61	14
5. California.....	4,826	1,603
6. Louisiana.....	1,651	697
7. Michigan.....	3,672	1,679
8. Arizona.....	340	176
9. Texas.....	4,482	2,337
10. Georgia.....	2,182	1,236
11. Kentucky.....	1,988	1,170
12. Alabama.....	1,979	1,204
13. South Carolina.....	1,327	818
14. Ohio.....	4,826	3,031
15. Mississippi.....	1,620	1,003
16. Nevada.....	77	63
17. North Carolina.....	2,495	1,741
18. Arkansas.....	1,362	934
19. New Jersey.....	2,906	2,127
20. Indiana.....	2,395	1,632
21. New Mexico.....	372	290
22. Tennessee.....	2,037	1,677
23. Illinois.....	5,617	4,609
24. Florida.....	1,320	1,114
25. Oregon.....	761	641
26. Delaware.....	180	168
27. Connecticut.....	1,194	1,069
28. Idaho.....	367	334
29. Wisconsin.....	2,192	1,931
30. Washington.....	1,213	1,163

### IN EXCESS

31. Vermont.....	251	253
32. Rhode Island.....	498	603
33. Pennsylvania.....	6,917	7,003
34. West Virginia.....	1,329	1,593
35. Missouri.....	2,644	2,783
36. Massachusetts.....	3,010	3,210
37. Utah.....	385	415
38. New Hampshire.....	343	372
39. Maine.....	692	661
40. Oklahoma.....	1,632	1,938
41. Colorado.....	785	987
42. Minnesota.....	1,951	2,499
43. Iowa.....	1,773	2,271
44. New York.....	9,417	12,595
45. Montana.....	891	621
46. Wyoming.....	175	239
47. Kansas.....	1,268	1,834
48. North Dakota.....	448	680
49. Virginia.....	1,871	2,903
50. South Dakota.....	440	781
51. Nebraska.....	919	1,781
52. Maryland.....	1,272	3,212
53. District of Columbia.....	463	9,964

### GAINS

By appointment.....	3,124
By transfer.....	44
By classification.....	4
By reinstatement.....	0
Total.....	3,178

LOSSES	
By separation.....	317
By transfer.....	223
By correction.....	4
Total.....	544
Total appointments.....	93,657

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,786.

By direction of the Commission.

[SEAL] L. A. MOYER,  
Executive Director and  
Chief Examiner.

[F. R. Doc. 42-2350; Filed, March 18, 1942;  
10:08 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-453]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY, THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION, AND THE WESTERN PUBLIC SERVICE COMPANY, A DELAWARE CORPORATION

### ORDER RECONVENING HEARING AND DIRECTING CLOSING OF THE RECORD

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March, A. D. 1942.

The Commission by its order of December 29, 1941, having granted or permitted to become effective various applications and declarations but having reserved jurisdiction as to a certain declaration by Engineers Public Service Company, a registered holding company, as to the acquisition and retirement by it of not to exceed 35,000 shares of its preferred stock, said acquisition to be made initially by an invitation for tenders and thereafter by purchases on the open market; and

The Commission being of the opinion that the record herein should be closed after opportunity given both to said Engineers Public Service Company and to counsel for the Public Utilities Division of the Commission to adduce additional evidence, if they be so advised:

*It is ordered*, That the hearing in these proceedings be reconvened at the Offices of the Securities and Exchange Commission, Penn Athletic Club Building, 18th and Locust Sts., Philadelphia, Pennsylvania, at 10:00 a. m. on March 20, 1942;

*It is further ordered*, That Richard Townsend, the previously designated trial examiner, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

*It is further ordered*, That said officer or officers give to Engineers Public Service Company and to counsel for the Public Utilities Division at such time and

place the opportunity to adduce further evidence if they or either of them be so advised. If no evidence is introduced, or upon the completion of the taking of evidence, the trial examiner is directed to close the record;

*It is further ordered*, That without limiting the scope of the issues presented by the declaration of Engineers Public Service Company, particular attention will be directed at the reconvened hearing to the following matter:

(1) Whether Engineers Public Service Company should be permitted to acquire all or any part of the 35,000 shares of its preferred stock?

Notice of such reconvened hearing is hereby given to said declarant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2334; Filed, March 17, 1942;  
4:05 p. m.]

[File No. 7-644]

IN THE MATTER OF APPLICATION BY THE CINCINNATI STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO STANDARD BRANDS, INC., COMMON STOCK, NO PAR VALUE

### ORDER SETTING HEARING ON APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 12th day of March, A. D. 1942.

The Cincinnati Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 a. m. on Thursday, April 2, 1942, in the Cleveland Regional Office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant

or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2335; Filed, March 17, 1942;  
4:05 p. m.]

[File No. 4-38]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, DOMINION GAS AND ELECTRIC COMPANY, GENERAL WATER GAS & ELECTRIC COMPANY, AND SECURITIES CORPORATION GENERAL

### NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March, A. D. 1942.

The Commission having issued, on August 23, 1941, its Order to Show Cause addressed to the parties above-named directing, among other things, that a hearing be held on September 16, 1941, at which hearing the said parties should show cause why the Commission should not enter an order pursuant to sections 12 (f) and 13 (e) of the Public Utility Holding Company Act of 1935 prohibiting the said parties from making any payment, directly or indirectly, to or on account of P. M. Chandler for or on account of certain salary contracts, or otherwise; and

The hearing aforesaid having been duly convened on September 16, 1941, and the same having been continued from time to time and on February 10, 1942, having been continued subject to the call of the Trial Examiner; and

The Commission having been advised that General Water Gas & Electric Company by action of its Board of Directors presently proposes to pay to P. M. Chandler the sum of \$12,500 as and for a complete settlement of his claims under a certain employment contract dated June 21, 1941, and it appearing that such proposed payment may bear a direct relation to the issues involved in the above-entitled proceeding; and

It further appearing to the Commission that the hearing aforesaid should be reconvened in order that all interested parties may be heard with respect to the proposed payment aforesaid and in order that the Commission may determine what action if any may be appropriate with respect thereto:

*It is hereby ordered*, That the hearing aforesaid be reconvened at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk at 10:00 a. m., on March 19, 1942, at which hearing the parties aforesaid and any other interested parties will be given an opportunity to be heard with respect to the proposed payment aforesaid.

*It is further ordered*, That without limiting the scope of issues presented by the proposed action aforesaid, particular at-

tention will be directed at said hearing to the following questions: (1) whether the proposed payment aforesaid will tend to circumvent the provisions of sections 12 (f) and 13 (e) of the Act, and (2) whether the proposed payment aforesaid will be detrimental to the public interest or the interest of investors or consumers.

Notice of such hearing is hereby given to the respondents above-named and P. M. Chandler and to any other person whose participation in these proceedings may be in the public interest.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents aforesaid and to P. M. Chandler and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2336; Filed, March 17, 1942;  
4:05 p. m.]

[File No. 70-512]

#### IN THE MATTER OF CITIES SERVICE COMPANY

##### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of March, A. D. 1942.

A declaration having been filed with this Commission by the above named party pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder; and

The said declaration concerning the following:

Cities Service Company, a registered holding company, proposes to expend not in excess of \$5,000,000 in the acquisition of its outstanding 5% Debentures not held by affiliates during the 12-month period next following the date of any such order as the Commission might issue herein approving such proposal. Said acquisitions would be made (1) in the open market, either through brokers or dealers on securities exchanges or in the over-the-counter market, or (2) at private sales not solicited by the applicant and at prices not exceeding the current offering prices on the New York Curb Exchange at the time of such acquisition. No fees or commissions would be paid in connection with such acquisitions except the usual brokerage or dealers' commissions.

As of February 28, 1942 there were outstanding \$149,441,828 principal amount of said Debentures, which mature in 1950, 1958, 1963, 1966, and 1969 in varying amounts. Net working cash balance of the company as of the same date amounted to approximately \$27,253,000. As of December 31, 1940 the company had outstanding preferred and preference stocks in an aggregate par amount of \$59,000,000, on which there were dividends in arrears aggregating \$30,385,000.

The company estimates that on the basis of present market prices, such expenditures of \$5,000,000 would enable it to acquire approximately \$6,500,000 principal amount of said Debentures, resulting in an annual interest saving of \$325,000 and a reduction in annual sinking fund requirements with respect thereto.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on such matter under the applicable provisions of the Public Utility Holding Company Act of 1935 be held on April 3, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission 18th and Locust Streets Philadelphia Pa. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why the aforesaid declaration shall become effective;

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by the Commission for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by the aforesaid declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisition by Cities Service Company of its 5% Debentures is in the public interest and the interest of investors.
2. Whether the methods proposed for such acquisitions of debentures are appropriate and in the public interest and the interest of investors.
3. Whether it is necessary or appropriate to impose any other terms or conditions in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2337; Filed, March 17, 1942;  
4:05 p. m.]

[File No. 70-510]

#### IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

##### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 12th day of March 1942.

Notice is hereby given that a declaration or application (or both) has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company; and

Notice is further given that any interested person may, not later than March 26, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the proposed transactions, which may be summarized as follows:

The issue and sale of \$927,000 principal amount of First Mortgage Bonds, 3½% Series, maturing March 1, 1962, to The Prudential Insurance Company of America at a price of 103¾% plus accrued interest from March 1, 1942 to the closing date; the proceeds to be used to pay outstanding bank loans (\$550,000), to reimburse the treasury of the declarant for capital expenditures, to provide funds for plant expansion, and for other corporate purposes; and

The reduction of the interest rate from 4% to 3½%, effective June 1, 1942, on the declarant's First Mortgage Bonds, 4% Series due June 1, 1955, presently outstanding and held by The Prudential Insurance Company of America in the principal amount of \$3,523,000; the extension of the maturity date of said Bonds from June 1, 1955, to March 1, 1962; the revision of the redemption prices of said Bonds and the revision of certain provisions of the Indenture securing said Bonds and the modification of certain terms and provisions of the Indenture applicable to its First Mortgage Bonds, 3¼% Series due June 1, 1959, presently outstanding and held by The Prudential Insurance Company of America in the amount of \$975,000; such modifications and revisions are to be set forth in a Second Supplemental Indenture, to be dated as of March 1, 1942, which is to be filed as an amendment.

Sections 6 and 7 of the Act are designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCES P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2338; Filed, March 17, 1942;  
4:06 p. m.]

[File No. 70-509]

IN THE MATTER OF NORTHERN STATES  
POWER COMPANY (MINN.) AND PEOPLES  
NATURAL GAS COMPANY (DEL.)

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of March A. D. 1942.

Notice is hereby given that a joint declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties.

Notice is further given that any interested person may, not later than March 27, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be

notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt the transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pa.

All interested persons are referred to said declaration and application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Peoples Natural Gas Company (Delaware), a wholly owned subsidiary of Northern Natural Gas Company, a registered holding company, owns and

operates certain properties used for the distribution of natural gas within the City of St. Paul, Minnesota under temporary permits and licenses from the City which, it is stated, expired on February 22, 1942 and are not renewable. The original cost of such property is stated at \$132,550 with an allocated accrued depreciation reserve of \$17,538. Northern States Power Company (Minnesota) proposes to acquire such property for a nominal consideration of \$1.00 and as additional consideration will undertake to deliver gas for Peoples Natural Gas Company (Delaware), which is under contractual obligation to sell natural gas to certain industrial users.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[P. R. Doc. 42-2339; Filed, March 17, 1942;  
4:06 p. m.]

